

Policy Title: Educational Leave

Scope: All facilities operated by the Mississippi Department of Mental Health shall utilize the stated policy governing educational leave.

Policy: To assure that the required number of professional staff members are employed by the Department of Mental Health in order to comply with certification, licensure, and regulatory requirements an educational leave plan is offered by the Department of Mental Health.

Procedure: The following shall be the procedure for implementing the stated policy for educational leave:

I. EDUCATIONAL LEAVE COMMITTEE

- A. The Educational Leave Committee is established as a permanent committee of the Department of Mental Health.
- B. The Educational Leave Committee will consist of all facility directors, the three (3) Department of Mental Health Bureau Chiefs, and the Executive Director of the Department of Mental Health.

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- C. The Executive Director of the Department of Mental Health will serve as Chairman of the Educational Leave Committee.

The most senior Bureau Chief will serve as Vice Chairman of the Educational Leave Committee.

- D. The Educational Leave Committee will select the Educational Leave Program participants, both full-time and part-time, designate the facility which will support the participants, and set priorities in terms of implementation.
- E. Educational Leave may be granted in the following disciplines:
1. Established critical need areas - Licensed practical nurse, registered nurse, nurse practitioner, speech pathologist, psychologist, occupational therapist, and physical therapist.
 2. Educational Enhancement - Any professional discipline as deemed appropriate by the Executive Director.
 3. Law Enforcement - Law enforcement training which would qualify an individual to be a campus police officer.

II. SELECTION OF EDUCATIONAL LEAVE PARTICIPANTS

- A. All applicants to be reviewed by the Educational Leave Committee must first be recommended in

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physical therapist.

2. Educational Enhancement - Any professional discipline as deemed appropriate by the Executive Director.
3. Law Enforcement - Law enforcement training which would qualify an individual to be a campus police officer.

II. SELECTION OF EDUCATIONAL LEAVE PARTICIPANTS

- A. All applicants to be reviewed by the Educational Leave Committee must first be recommended in writing by the facility director and/or appropriate Bureau Chief.
- B. Each application for participation in the Educational Leave Program as an established critical need participant shall include:
 1. Applicant's full name.
 2. Applicant's qualifications for the program requested (educational background of applicant, educational transcripts, work experience, special qualifications, and other related information.)
 3. Three references, two of which are from the applicant's most recent employers.
 4. If the applicant has not been employed for at least three months, three personal references from individuals

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who are not related and have known the applicant for at least two years.

5. Proposed school and program to be attended.
- C. Each application for participation in the Educational Leave Program as educational enhancement participant shall include:
1. Applicant's full name.
 2. Applicant's qualifications for the program requested (educational transcripts, work experience, special qualifications, and other related information).
 3. Proposed school and program to be attended.
 4. Recommendations for Educational Leave program by applicant's supervisor.
 5. Applicant's explanation of how the proposed course of study will enhance his/her job related skills.
- D. Priority for consideration of participants will be given to the senior Department of Mental Health employee when qualifications of applicants are equal. An employee's past employment record, including performance, evaluations, disciplinary actions, and attendance records, are among other factors to be considered in selection.

- E. Each candidate chosen to participate in the Educational Leave program must provide documentation of his/her acceptance by an accredited school into a qualifying program prior to final selection.
- F. A review of all educational leave participants shall be conducted by the Educational Leave Committee annually for a determination of continued participation in the program.

III. REQUIREMENT FOR PARTICIPATION IN THE
EDUCATIONAL LEAVE PROGRAM

- A. An educational leave participant must enter into a written agreement with the Department of Mental Health which sets out the duties and responsibilities of the participant and the Department of Mental Health.
- B. An educational leave participant in an established critical need, must be enrolled as a full-time student in an approved course of study to maintain educational leave status.
- C. An educational leave participant must furnish documentation of enrollment at the beginning of each school term, documentation of satisfactory progress in the course of study at the middle and end of each term of educational leave.
- D. A participant must maintain a "C" average in an undergraduate degree program and a "B" in a graduate

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degree program to continue in the educational leave program.

- E. A participant must work at a Department of Mental Health facility during the summer months if not enrolled in the course of study for which educational leave was granted.
- F. An educational leave participant shall not be eligible to receive any salary increases during the term of educational leave status if on full-time educational leave status.
- G. An educational leave participant shall not accrue any personal or medical leave while on full-time educational leave status.

IV. ESTABLISHED CRITICAL NEED PARTICIPANTS

- A. Educational leave participants in areas named as an established critical need must be employed by the Department of Mental Health at the time of application. Participants under this section shall be compensated at a rate equal to that of an entry level nurse's aide at the sponsoring facility. Sponsoring facility, the Department of Mental Health.
- B. Compensation under this policy will be paid monthly with deductions withheld in accordance with all applicable state law as well as the policies and procedures of the sponsoring facility, the Department of Mental Health, and the State

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Personnel Board.

- C. A participant under this section shall fulfill his/her obligation to the Department of Mental Health by working for the sponsoring facility immediately following graduation for a period equal to the period the participant, was on educational leave, but not less than two (2) years. The total compensation paid while on educational leave shall be considered as unconditionally earned for each year required to be worked and shall be prorated on a month-to-month basis.
- D. Should the participant fail to fulfill his/-her obligation to work for the sponsoring facility for the specified period upon graduation, the participant shall be liable for repayment on demand of the remaining portion of the compensation paid while on educational leave which has not been unconditionally earned, with interest accruing at ten percent (10%) per annum from the date of graduation or the date the participant last worked at the facility, whichever is later, plus \$5,000 as liquidated damages. Liquid damages shall be reduced pro rata based upon the amount of time worked to pay back the participant's obligation.
- E. Should the participant fail or withdraw from school prior to the completion of the approved course of study, the participant shall be liable for repayment on demand of the total compensation paid while

on educational leave with interest accruing at ten percent (10%) from the date the participant failed or withdrew from school, whichever is later. If the participant returns to work at the sponsoring facility in the position held prior to the educational leave, he/she shall not be liable for payment of any interest on the amount owed. 12

V.

EDUCATIONAL ENHANCEMENT PARTICIPANTS

- A. Educational enhancement participants, those other than those classified as a critical need, must have been working at a state agency for the three (3) years prior to application. Participants under this section shall be compensated according to Mississippi State Personnel Board Regulations.
- B. Educational expenses for tuition, books, and associated fees shall be reimbursed to the participant only after the employee has submitted documentation that the approved course has been successfully completed.
- C. A participant under this section shall fulfill his/her obligation to the Department of Mental Health by working for the Department for a period of three (3) years after completion of the course of study, or in the case of employees on educational leave on a part-time basis or receiving reimbursement for educational expenses only, to work for a time prorated based upon the total amount of expenses,

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including leave, paid for by the agency.

- D. Should the recipient fail or withdraw from school prior to completing his/her education, the participant shall be liable for repayment on demand of the amount of the total compensation paid while on educational leave, with interest accruing at ten percent (10%) from the date the recipient failed or withdrew from school, whichever is later. If the participant returns to work in the same position held prior to the educational leave, he/she shall not be liable for payment of any interest on the amount owed.
- E. Should the participant not work as an employee in the sponsoring facility for the period of employment specified in the contract, the participant shall be liable for repayment on demand of the remaining portion of the compensation paid while on educational leave with interest accruing at ten percent (10%) per annum from the date of graduation or the date the participant last worked at the sponsoring facility, whichever is the later date, plus liquidated damages in the amount of \$2,000 per year for each year remaining to be served under such contract.
- F. Professional licensure which was obtained through participation in the Educational Leave Program is contingent upon repayment of participant's obligation to the

State of Mississippi. Participants who fail to work for the sponsoring facility or who do not have a current contract for repayment shall be referred to the appropriate licensing agency for action. Action will be non-licensure, non-renewal, or revocation.

VI. Law Enforcement

- A. A campus police candidate must attend and successfully complete an approved law enforcement training program.
- B. Campus police candidates shall be subject to the same work repayment requirements and liquidated damages as other Educational Leave participants as defined by Section IV of this policy, as well as other remedies, such as suspension of licenses and collection actions.

VII. CANCELLATION

- A. The Department of Mental Health shall have the authority to cancel any educational leave contract or educational enhancement contract upon such cause being deemed sufficient by the Executive Director of the Department of Mental Health.
- B. The Department of Mental Health shall notify the participant in writing thirty (30) days in advance of any proposed action which would adversely affect the participant's educational leave or educational enhancement status.

VIII. RESIGNATION OR TERMINATION

If an employee resigns or is terminated for cause before the repayment period is completed, the recipient is liable for immediate repayment. If a recipient is terminated because of RIF, repayment may be waived.

IX. PENDING DEFAULT STATUS

A participant who fails to execute a written agreement for repayment or who resigns or is terminated for cause before the repayment period is completed shall be deemed to be in pending default status and shall be referred to the Educational Leave Default Committee for further action.

X. EDUCATIONAL LEAVE DEFAULT COMMITTEE

- A. All hearings concerning the default of an educational leave participant shall be before the Educational Leave Default Committee. A finding of default shall be a finding of unprofessional conduct and therefore a basis for the revocation of the professional license which was obtained through the educational leave program.
- B. The Educational Leave Default Committee shall consist of **two** facility directors excluding the sponsoring committee), one Department of Mental Health Bureau Chief (excluding the chief over the sponsoring facility).
- C. Notice of pending default status shall be mailed to the recipient at

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the last known address by the sponsoring facility.

- D. The Educational Leave Default Committee shall conduct a hearing of pending default status, make a final determination, and issue an Order of Default, if appropriate.
- E. Participants may appear either personally or by counsel, or both, and produce and cross-examine witnesses or evidence in his/her behalf. The procedure of the hearing shall not be bound by the Mississippi Rules of Civil Procedure and Evidence.
- F. If a participant is found to be in default, a copy of an Order of Default shall be forwarded to the appropriate licensing agency.
- G. Appeals from a finding of default shall be to the Circuit Court of Hinds County. Action taken by a licensing entity in revoking a license when required by this section are not actions from which an appeal may be taken under the general licensing and disciplinary provisions applicable to the licensing agency.
- H. A license which has been revoked pursuant to this process shall be reinstated upon a showing of proof that the recipient is no longer in default.

X. NON-COMPLIANCE

Claims involving non-compliance by participants of education leave shall be

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forwarded to the Attorney General for
prosecution.